

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02798-TJK**

KOWAL v. UNITED STATES DEPARTMENT OF JUSTICE
et al

Assigned to: Judge Timothy J. Kelly

Case: 1:18-cv-00938-TJK

Cause: 05:552 Freedom of Information Act

Plaintiff

BARBARA KOWAL

Date Filed: 11/30/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **Donald Todd Doss**
OFFICE OF THE FEDERAL
DEFENDER
Middle District of Florida
201 S. Orange Ave
#300
Orlando, FL 32801
(407) 648-6338
Email: todd_doss@fd.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Leeson Sroka
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7113
Fax: (202) 252-2599
Email: scott.sroka@usdoj.gov
TERMINATED: 04/14/2020

Defendant

**BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Leeson Sroka
(See above for address)
TERMINATED: 04/14/2020

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Jeremy S. Simon**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Scott Leeson Sroka

(See above for address)

TERMINATED: 04/14/2020

Defendant

DRUG ENFORCEMENT AGENCY

represented by **Jeremy S. Simon**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Scott Leeson Sroka

(See above for address)

TERMINATED: 04/14/2020

Date Filed	#	Docket Text
11/30/2018	<u>1</u>	COMPLAINT for Injunctive and Declaratory Relief against All Defendants (Fee Status:Filing Fee Waived) filed by BARBARA KOWAL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Civil Cover Sheet, # <u>22</u> Summons ATF, # <u>23</u> Summons DEA, # <u>24</u> Summons DOJ, # <u>25</u> Summons FBI)(Doss, Donald) (Entered: 11/30/2018)
11/30/2018	<u>2</u>	NOTICE OF RELATED CASE by BARBARA KOWAL. Case related to Case No. 18-938. (Doss, Donald) (Entered: 11/30/2018)
11/30/2018	<u>3</u>	MOTION for Waiver of Filing Fee by BARBARA KOWAL (Doss, Donald) (Entered: 11/30/2018)
12/06/2018	<u>4</u>	ERRATA by BARBARA KOWAL. (Attachments: # <u>1</u> Supplement Complaint)(Doss, Donald) (Entered: 12/06/2018)
12/06/2018		Case Assigned to Judge Timothy J. Kelly. (zsb) (Entered: 12/06/2018)
12/11/2018		MINUTE ORDER granting Plaintiff's <u>3</u> Motion to Waive Filing Fee. It is hereby ORDERED that Plaintiff's motion is GRANTED. The Clerk of Court is directed to waive the filing fee in this action, and the U.S. Marshals Service is directed to effect service on Defendants on Plaintiff's behalf. Signed by Judge Timothy J. Kelly on 12/11/2018. (lctjk2) (Entered: 12/11/2018)
12/11/2018	<u>5</u>	SUMMONS (6) Issued as to BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (zsb) (Entered: 12/12/2018)
01/08/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 1/3/2019. (tth) (Entered: 01/15/2019)
01/28/2019	<u>7</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of All Defendants (Sroka, Scott) (Entered: 01/28/2019)
02/07/2019	<u>8</u>	Consent MOTION for Extension of Time to File Answer by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (Sroka, Scott) (Entered: 02/07/2019)
02/07/2019		MINUTE ORDER granting Defendants' <u>8</u> Consent Motion for Extension of Time. It is hereby ORDERED that Defendants' motion is GRANTED. Defendants shall answer or otherwise respond to Plaintiff's <u>1</u> Complaint by April 8, 2019. Signed by Judge Timothy J. Kelly on 2/7/2019. (lctjk2) (Entered: 02/07/2019)

02/22/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES served on 2/7/2019; FEDERAL BUREAU OF INVESTIGATION served on 2/7/2019. (tth) (Entered: 02/27/2019)
04/08/2019	<u>10</u>	ANSWER to Complaint by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE.(Sroka, Scott) (Entered: 04/08/2019)
04/09/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by May 6, 2019. Signed by Judge Timothy J. Kelly on 4/9/2019. (lctjk2) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines: Joint Proposed Briefing Schedule or Disclosure due by 5/6/2019. (kh) (Entered: 04/09/2019)
05/06/2019	<u>11</u>	PROPOSED BRIEFING SCHEDULE by BARBARA KOWAL. (Doss, Donald) (Entered: 05/06/2019)
05/06/2019	<u>12</u>	STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 05/06/2019)
05/07/2019		MINUTE ORDER: In light of the parties' separate status reports, it is hereby ORDERED that the parties shall meet and confer and, after discussing their respective positions as to how best to move forward, file a joint status report in which they propose a mutually agreed-upon schedule for further proceedings or, if agreement cannot be reached, their respective proposals, no later than May 20, 2019. The Court is particularly troubled by Plaintiff's counsel's representation that counsel for Defendants failed to respond to multiple attempts to contact him. Accordingly, Defendants' counsel shall specifically address in that status report why he neglected to respond to Plaintiff's counsel and was otherwise unable to comply with the Court's order and confer with Plaintiff's counsel during the nearly four weeks the Court afforded the parties to do so. Signed by Judge Timothy J. Kelly on 5/7/2019. (lctjk2) (Entered: 05/07/2019)
05/20/2019	<u>13</u>	Joint STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 05/20/2019)
05/21/2019		MINUTE ORDER: Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than July 19, 2019. Signed by Judge Timothy J. Kelly on 5/21/2019. (lctjk2) (Entered: 05/21/2019)
07/17/2019	<u>14</u>	Joint STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 07/17/2019)
07/17/2019		MINUTE ORDER: In light of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than September 30, 2019. Signed by Judge Timothy J. Kelly on 7/17/2019. (lctjk2) (Entered: 07/17/2019)
09/30/2019	<u>15</u>	Joint STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 09/30/2019)
09/30/2019		MINUTE ORDER: In light of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than October 30, 2019. Signed by Judge Timothy J. Kelly on 9/30/2019. (lctjk2) (Entered: 09/30/2019)

10/29/2019	<u>16</u>	Joint STATUS REPORT by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Sroka, Scott) (Entered: 10/29/2019)
10/29/2019		MINUTE ORDER: In light of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report, including, if necessary, a proposed briefing schedule, no later than November 29, 2019. Signed by Judge Timothy J. Kelly on 10/29/19. (lctjk2) (Entered: 10/29/2019)
11/22/2019	<u>17</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by BARBARA KOWAL. (Doss, Donald) (Entered: 11/22/2019)
11/25/2019		MINUTE ORDER: Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendants shall file their motion for summary judgment by January 6, 2020; (2) Plaintiff shall file her opposition to Defendants' motion and her cross-motion by February 17, 2020; (3) Defendants shall file their opposition to Plaintiff's cross-motion and their reply in support of their motion by March 30, 2020; and (4) Plaintiff shall file her reply in support of her cross-motion by May 1, 2020. Signed by Judge Timothy J. Kelly on 11/25/19. (lctjk2) (Entered: 11/25/2019)
11/25/2019		Set/Reset Deadlines: Summary Judgment motion due by 1/6/2020. (zkh) (Entered: 11/25/2019)
01/06/2020	<u>18</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (Sroka, Scott) (Entered: 01/06/2020)
01/06/2020		MINUTE ORDER granting in part the parties' <u>18</u> Consent Motion for Extension of Time to File Motion for Summary Judgment and Enlargement of Briefing Schedule. It is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendants shall file their motion for summary judgment by January 10, 2020; (2) Plaintiff shall file her opposition to Defendants' motion and her cross-motion by February 21, 2020; (3) Defendants shall file their opposition to Plaintiff's cross-motion and their reply in support of their motion by April 3, 2020; and (4) Plaintiff shall file her reply in support of her cross-motion by May 5, 2020. The Court notes that these new deadlines reflect the parties' requested 4-day "extension of time, up to and including January 10, 2020, for Defendants... to file their motion for summary judgment and for a commensurate enlargement of the briefing schedule for both parties," ECF No. 18 at 1, notwithstanding the specific dates proposed by Defendant that do not correspond to that request, see id. at 2. Signed by Judge Timothy J. Kelly on 1/6/20. (lctjk2) (Entered: 01/06/2020)
01/09/2020	<u>19</u>	MOTION for Summary Judgment <i>and Supporting Memorandum</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Adam C. Siple, # <u>3</u> Exhibit ATF Vaughn Index, # <u>4</u> Exhibit ATF Supplemental Response, # <u>5</u> Declaration of Angela D. Hertel, # <u>6</u> Declaration of David M. Hardy, # <u>7</u> Exhibit A through S)(Sroka, Scott) (Entered: 01/09/2020)
02/20/2020	<u>20</u>	MOTION for Extension of Time to <i>File Combined Opposition to Defendants Motion for Summary Judgment</i> by BARBARA KOWAL (Doss, Donald) (Entered: 02/20/2020)
02/24/2020		MINUTE ORDER treating as opposed and granting Plaintiff's <u>20</u> Motion for Extension of Time to File Her Combined Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Summary Judgment. It is hereby ORDERED that the following schedule will govern further proceedings: (1) Plaintiff shall file her opposition to Defendants' motion and her cross-motion by March 6, 2020; (2) Defendants shall file their opposition to Plaintiff's cross-motion and their reply in support of their motion by April 17, 2020; and (3) Plaintiff shall file her reply in support of her cross-motion by May 19, 2020. The Court notes that these new deadlines reflect Plaintiff's requested "fourteen-day extension of time," ECF No. 20 at 1, notwithstanding the date proposed by Plaintiff that does not correspond to that

		request, see id. at 4. Signed by Judge Timothy J. Kelly on 2/24/20. (lctjk2) (Entered: 02/24/2020)
03/06/2020	<u>21</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment <i>and Supporting Memorandum Cross-Motion for Summary Judgment</i> filed by BARBARA KOWAL. (Attachments: # <u>1</u> Declaration Declaration, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E, # <u>7</u> Exhibit Exhibit F, # <u>8</u> Exhibit Exhibit G, # <u>9</u> Exhibit Exhibit H, # <u>10</u> Exhibit Exhibit I, # <u>11</u> Exhibit Exhibit J, # <u>12</u> Exhibit Exhibit K, # <u>13</u> Exhibit Exhibit L, # <u>14</u> Exhibit Exhibit M, # <u>15</u> Exhibit Exhibit N, # <u>16</u> Exhibit Exhibit O, # <u>17</u> Exhibit Exhibit P, # <u>18</u> Exhibit Exhibit Q, # <u>19</u> Exhibit Exhibit R, # <u>20</u> Exhibit Exhibit S, # <u>21</u> Exhibit Exhibit T, # <u>22</u> Exhibit Exhibit U, # <u>23</u> Exhibit Exhibit V, # <u>24</u> Exhibit Exhibit W, # <u>25</u> Exhibit Exhibit X, # <u>26</u> Exhibit Exhibit Y)(Doss, Donald) (Entered: 03/06/2020)
03/06/2020	<u>22</u>	Cross MOTION for Summary Judgment by BARBARA KOWAL. (See Docket Entry <u>21</u> to view document) (zthh) (Entered: 03/09/2020)
04/14/2020	<u>23</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jeremy S. Simon on behalf of All Defendants Substituting for attorney Scott L. Sroka (Simon, Jeremy) (Entered: 04/14/2020)
04/15/2020	<u>24</u>	Unopposed MOTION for Extension of Time to <i>File Combined Reply and Opposition</i> by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Proposed Order)(Simon, Jeremy) (Entered: 04/15/2020)
04/15/2020		MINUTE ORDER granting Defendants' <u>24</u> Unopposed Motion for Extension of Time to File Combined Reply and Opposition. It is hereby ORDERED, for good cause shown, that Defendants' <u>24</u> Motion is GRANTED. Defendants shall file their opposition to Plaintiff's cross-motion and their reply in support of their motion by June 1, 2020, and Plaintiff shall file her reply in support of her cross-motion by July 6, 2020. Signed by Judge Timothy J. Kelly on 4/15/20. (lctjk2) (Entered: 04/15/2020)
06/01/2020	<u>25</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment <i>and Supporting Memorandum</i> filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Excerpts from Second Hardy Declaration in Shapiro v. DOJ)(Simon, Jeremy) (Entered: 06/01/2020)
06/01/2020	<u>26</u>	Memorandum in opposition to re <u>22</u> MOTION for Summary Judgment <i>and Reply in Support of Defendants' Motion (duplicate of docket entry number 25)</i> filed by BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, DRUG ENFORCEMENT AGENCY, FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Excerpts from Second Hardy Declaration in Shapiro v. DOJ)(Simon, Jeremy) (Entered: 06/01/2020)
07/02/2020	<u>27</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Defendant's Opposition to Plaintiff's Cross-Motion</i> by BARBARA KOWAL (Doss, Donald) (Entered: 07/02/2020)
07/05/2020		MINUTE ORDER granting, for good cause shown, Plaintiff's <u>27</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file her reply brief by July 20, 2020. Signed by Judge Timothy J. Kelly on 7/5/20. (lctjk2) (Entered: 07/05/2020)